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DATE FILED: 4-26-24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DESEAN J. OWENS,
Plaintiff,

v.

IMAN MALIK KEDAR and ORANGE
COUNTY,
Defendants.
-----X

ORDER

22 CV 6487 (VB)

Copies Mailed Faxed
Chambers of Vincent L. Briccetti

On April 4, 2024, the Court issued an Order confirming all defendants have been served and requiring all defendants to respond to the complaint by April 25, 2024. (Doc. #39). On April 25, 2024, defendant Orange County moved to dismiss the complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Doc. #40). As of today, defendant Kedar has failed to respond to the complaint or otherwise appear in this action.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's opposition, if any, to defendant Orange County's motion to dismiss shall be filed by **May 28, 2024**. The Court will mail plaintiff a copy of the Motions Guide for Pro Se Litigants, which describes the procedure for a motion to dismiss. Plaintiff is expected to review the Motions Guide and follow the instructions therein.
2. Defendant Orange County's reply, if any, is due **June 11, 2024**.
3. The Court sua sponte extends the deadline for defendant Kedar to answer, move, or otherwise respond to the complaint to **May 28, 2024**. If Kedar fails to respond to the complaint by that date, plaintiff may be entitled to seek a **default judgment** against him.
4. By **May 10, 2024**, the office of the Orange County Attorney shall file a letter indicating whether they expect to represent defendant Kedar in this action.

Chambers will mail a copy of this Order, as well as a copy of the Motions Guide, to plaintiff at the address listed below:

DeSean J. Owens
DIN #22B4445
Attica C.F.
639 Exchange Street
Attica, NY 14011

Chambers will also mail a copy of this Order to defendant Kedar at the address listed below:

Kedar Abdul-Malik
1107 North Avenue
Plainfield, NJ 70762

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: April 26, 2024
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge